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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/499,933 | 02/08/2000 | Kyu Tae Park | 300055.443 | 1909 |
| 500 | 7590 | 04/20/2004 | EXAMINER | |
| SEED INTELLECTUAL PROPERTY LAW GROUP PLLC | | | STEVENS, ROBERTA A | |
| 701 FIFTH AVE | | | ART UNIT | |
| SUITE 6300 | | | PAPER NUMBER | |
| SEATTLE, WA 98104-7092 | | | 2665 | |

DATE MAILED: 04/20/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/499,933

Applicant(s)

PARK ET AL.

Examiner

Roberta A Stevens

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– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 9 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 9 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-7 and 9 are rejected under 35 U.S.C. 102(e) as being anticipated by **Tiedemann (U.S. 6246673 B1)**.

3. Regarding claims 1 **Tiedemann** teaches (**column 16, line 60 – column 19, line 4 and figures 7 and 8**) a hard handoff method from an asynchronous CDMA base station to a synchronous CDMA base station, comprising: s first step of the synchronous CDMA base station transmitting asynchronous CDMA channels including an asynchronous CDMA synchronization channel and an asynchronous CDMA common pilot channel (column 17, line 54 – column 18, line 3) to a mobile terminal that is in communication with the asynchronous CDMA base station with a purpose of synchronizing a handoff time at the synchronous CDMA base station; a second step of, on the basis of a result of measuring an intensity of the synchronous CDMA channels, the mobile terminal reporting the measured result to the synchronous CDMA base station column 17, lines 28-37); a third step of the asynchronous CDMA base station transmitting a handoff request message to the synchronous CDMA base station on the basis of the measured result reported to the asynchronous CDMA base station; a fourth step of the synchronous CDMA

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base station which receives the handoff request message transmitting an information to the asynchronous CDMA base station, wherein the information is necessary to perform the hard handoff; and a fifth step of the mobile terminal performing the hard handoff to the synchronous CDMA base station, by using the information that is received through a traffic channel from the asynchronous CDMA base station.

4. Regarding claim 2, 1 **Tiedemann** teaches (**column 17, line 54 – column 19, line 4 and figures 7 and 8**) transmitting the asynchronous CDMA synchronization channel and the asynchronous CDMA common pilot channel; an synchronizing the asynchronous CDMA synchronization channel and the asynchronous CDMA common pilot channel with a starting point of a synchronous pilot channel transmitted from the synchronous CDMA base station.

5. Regarding claim 3, **Tiedemann** teaches (**column 17 – column 19, line 4 and figures 7 and 8**) measuring an intensity of the signals received from the asynchronous CDMA base station and the synchronous CDMA base station using the asynchronous CDMA synchronization channel and the asynchronous CDMA common pilot channel; reporting the intensity of the signals and an information regarding the synchronous CDMA base station if the intensity of the signals from the synch CDMA base station is bigger than an intensity of signals received from the asynch CDMA base station by a predetermined value; and returning to the measuring step if the intensity of the signals from the synch CDMA base station is not bigger than an intensity of signals received from the asynch CDMA base station by a predetermined value.

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6. Regarding claim 4, **Tiedemann** teaches (**column 17 – column 19, line 4 and figure 8**) the information necessary to perform the hard handoff includes a starting point of the hard handoff, a long code state at the starting point of the hard handoff, an offset index of a pilot PN sequence, a code channel index used in a forward traffic channel, and an offset value regarding the traffic channel.
7. Regarding claim 5, **Tiedemann** teaches (**column 17 – column 19, line 4 and figure 8**) receiving an information from the asynch CDMA base station through the traffic channel; releasing the traffic channel established with the asynch CDMA base station and establishing a traffic channel with synch CDMA base station; exchanging an available frame between the mobile terminal and the synch CDMA base station through the established traffic channel and confirming handoff completion; and releasing the resources between the asynch CDMA base station and a switch the synch CDMA base station reporting the handoff completion to the switch.
8. Regarding claim 6, **Tiedemann** teaches (**column 17 – column 19, line 4 and figure 8**) the traffic channel between the mobile terminal and the synch CDMA base station is established using the starting point of the hard handoff, the long code state at the starting point of the hard handoff, the offset index of the pilot PN sequence, the code channel index used in the forward traffic channel, and the offset value regarding the traffic channel.

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9. Regarding claim 7, **Tiedemann teaches (column 17 – column 19, line 4 and figure 8)** the starting point of the hard handoff is determined by calculating how many frames of the common pilot channel have passed at the asynch CDMA base station from the moment when the mobile terminal receives the information.

10. Regarding claims 9 **Tiedemann teaches (column 16, line 60 – column 19, line 4 and figures 7 and 8)** a mobile terminal capable of performing a hard handoff from an asynchronous CDMA base station to a synchronous CDMA base station, wherein the terminal is arranged to perform steps comprising: receiving asynchronous CDMA channels including an asynchronous CDMA synchronization channel and an asynchronous CDMA common pilot channel (column 17, line 54 – column 18, line 3) from the synchronous CDMA base station while being in communication with the asynchronous CDMA base station; reporting a measured result to the asynch CDMA base station on the basis of an intensity of the asynch CDMA channels received from the synch CDMA base station, wherein the measured result is used in order for the asynch CDMA base station to transmit a handoff request message to the synch CDMA base station which subsequently transmits a handoff information to the synch CDMA base station; and performing the hard handoff to the synch CDMA base station by using the handoff information which is received through a traffic channel from the asynch CDMA base station.

Response to Arguments

11. Applicant's arguments filed February 2, 2004 have been fully considered but they are not persuasive. Applicant argues that Tiedemann does not teach the synchronous CDMA base station transmits dummy asynchronous CDMA channels, including an asynchronous CDMA synchronization channel and an asynchronous CDMA common pilot channel to a mobile terminal. Tiedemann teaches (figures 7 and 8 and columns 17-19) using short sync (dummy channel) channel structure (described in column 17, lines 54 – column 18, line 65 as involving a pilot channel and a sync channel) to facilitate hard handoff from asynchronous to synchronous base stations, and the mobile station then measuring and sending a Pilot Strength Measurement Message (PSMM) indicating the intensity of the pilot channel as set forth in the above Final Rejection.

Conclusion

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

13. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

14. Any inquiry concerning the communication or earlier communications from the examiner should be directed to Roberta Stevens whose telephone number is (703) 308-6607. The examiner can normally be reached on Monday through Friday from 9:00 am to 5:30 p.m.

15. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor can be reached on (703) 308-6602.

16. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is (703) 305-3900.

17. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to: (703) 872-9306

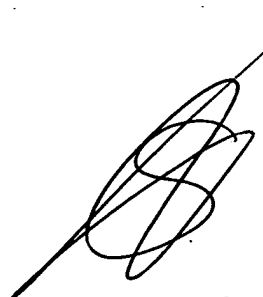
For informal draft communications, please label "PROPOSED" or "DRAFT"

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,
Arlington, VA. Sixth Floor (Receptionist).

Roberta A. Stevens

Patent Examiner

04-16-04



STEVEN H. D. NGUYEN
PP